

**STAFF REPORT**  
**City of Lancaster**

PH 5
6/22/2010
MVB

Date: June 22, 2010

To: Mayor Parris and City Council Members

From: Brian S. Ludicke, Planning Director

Subject: **Appeal of Planning Commission Denial of Conditional Use Permit No. 10-04 (A Conditional Use Permit to add Type 21 (Off Sale General for beer, wine, and distilled spirits) for the primary off-sale of alcoholic beverages at an existing mini-mart with gasoline sales in the CPD (Commercial Planned Development) Zone**

---

**Recommendation:**

Adopt **Resolution No. 10-42**, upholding the Planning Commission decision by denying the appeal for Conditional Use Permit No. 10-04, a request to add alcohol sales (Type 21) at an existing mini-mart with gasoline sales.

**Background:**

Over the past several years, concerns have been expressed by the community and the City Council to expand the alcohol regulations in particular as it relates to sensitive uses. Council instructed Staff to prepare an alcohol ordinance to address this.

On February 12, 2008, City Council adopted Ordinance No. 896, an amendment to Title 17 of the Lancaster Municipal Code (LMC), revising the requirements for alcoholic sales establishments through the addition of Chapter 17.42. - Alcoholic Beverage Establishments. The Ordinance went into effect on March 12, 2008. The ordinance established criteria for the review of alcohol sales requests to regulate the location and operation of certain uses that engage in the sale of alcohol, required separation distances for certain alcohol sellers from sensitive uses, and conditions of approval for both on and off-site sales establishments. The provisions also established regulations for the operations of mini-marts.

The applicant is requesting to change a mini-mart to a liquor store with gasoline sales, with the justification that it serves the needs of the community, and that the convenience of alcohol sales adjacent to the arterial loop eliminates vehicle trips to the interior of the City.

The recommendation of denial is based on Section 17.42.040. - Distance Requirements, indicating that a Primary Off-Sale Establishment, such as the existing mini-mart, must be 300 feet from residential property measured from the closest property line. The establishment cannot meet the distance requirements as established by Chapter 42, Alcoholic Beverage

Establishments, and staff is unable to make the findings to approve a waiver, because there are no mitigating circumstances to allow the sale of alcohol at the location without affecting the existing residential neighborhood. Therefore, staff is recommending denial of the request.

On April 19, 2010, the Planning Commission upheld staff's recommendation to deny the request of the sale of alcohol at the existing mini-mart with gasoline sales, because it does not meet the distance requirements established by City Council in Chapter 17.42. - Alcoholic Beverage Establishments. Approving the sale of alcohol in disregard of the required distance requirement would set precedence for the approval of future conditional use permits without adherence to Council regulations.

SRD:BSL/jr

**Attachments:**

Resolution No. 10-42

Planning Commission Staff Report – April 19, 2010, Meeting